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Occupational diseases

Occupational diseases cause 860,000 illnesses and 60,300 deaths in the United States annually, according to the American Academy of Family Physicians. Illness directly attributed to work environments and/or conditions and exposure is diagnosed in approximately 10 percent of hospitalized patients. Thousands of American workers each year are exposed to environmental conditions that cause occupational diseases. An occupational disease is any chronic ailment that occurs as a result of a workplace activity. Occupational diseases are more prevalent in a given body of work than in other occupations or the general population.

KNOWN OCCUPATIONAL DISEASES

The best known occupational diseases are asbestosis, silicosis, and black (coal miner's) lung, but there are many others, mostly caused by toxic exposures. Toxins can enter the human body by inhalation, ingestion, or dermally (through the skin—i.e., solvents). Toxins have different target organs. For instance:

• **Neurologic disorders:** Nervous system disorders are generally the result of employee exposure to toxins, organic solvents, metals, and pesticides. The fat tissue surrounding the human nervous system is the target organ for these toxins. Central nervous system injury refers to brain damage with resulting memory and cognitive deficiencies, personality changes, and depression. Peripheral nervous system damage refers to the nerves in the fingers and toes that can then progress to include the extremities. Numbness and the inability to use the extremities can result. Symptoms from prolonged exposure can include headaches, cognitive problems, irritability, fatigue, pain, and numbness.

• **Respiratory disease:** Reactive Airway Dysfunction Syndrome (RADS) can be caused by overexposure to chemical fumes and inhaled respiratory irritants such as mold spores and dusts of many kinds. When the airways are damaged, they can become hyperactive and develop asthmatic reactions to low levels of exposures that don't affect persons with healthy airways. If you think that you have been overexposed to chemical fumes, then you should

request a Material Safety Data Sheet (MSDS) that will tell your doctor about the toxic properties of the chemicals you were exposed to. The airways and lungs are the target organs. Some dust diseases that cause lung fibrosis, such as asbestosis and silicosis, may take decades to develop. These dust-related diseases can be diagnosed by X-ray.

THE LAW

Under workers' compensation laws, there is a presumption that specific diseases are caused by workers' industrial exposure to toxins, irritants, and so forth. Occupational diseases that meet a certain criteria of the Workers' Compensation Act are covered. A worker's claim must be filed within a certain period of years, stating that the worker had knowledge of the disease. Also, there are time limitations based on the last "injurious" exposure.

Additionally, if a third party other than the employer, such as a manufacturer or a different contractor, caused the injurious exposure, then a traditional lawsuit may also be possible.

WHAT TO DO IF YOU SUFFER AN OCCUPATIONAL DISEASE

- 1) Report the incidence to your employer as soon as possible.
- 2) Seek medical attention and tell your doctor about the exposure that you think has caused your injury.
- 3) Ask your employer for the Material Safety Data Sheets on what you were exposed to, and give this to your doctor.
- 4) Provide your doctor with as much information on the exposure as possible.
- 5) File your claim as soon as possible.

Brooks Law Office is experienced in handling an injured worker's exposure to an occupational chemical in the course of performing his/her work. **Eugene C. Brooks** is certified as a trial specialist who has extensive knowledge on toxic exposures. Mr. Brooks will research, gather, and analyze the facts of each case so he can determine and advise on the best course of action to protect the rights of the worker exposed to an occupational disease. Contact attorney Brooks and be assured that your rights will be protected.

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ARMOR UP!

When warm weather is in the picture, there is nothing like a long motorcycle ride to enjoy the fresh air and take in the scenery. It's tempting to soak up the sun in a T-shirt and ride without a helmet, but when the only thing between you and the road is a seat and a pair of tires, it's not safe.

Here are a few ways to protect against common motorcycle injuries:

ROAD RASH

There's a reason why motorcyclists wear leather, and it isn't fashion! Wearing a leather (or Kevlar®) jacket, leather pants or chaps, a full-face helmet, and gloves will help protect skin in the event a rider is thrown from the bike.

BROKEN BONES

Special armor for the neck, head, and back, and strategically placed armor and inserts in riding clothing for the pelvic area and joints help protect bones from fractures. Always wear reinforced gloves and a good pair of riding boots.

SPINAL INJURY

Getting thrown from a motorcycle can damage the spine and cause lifelong medical conditions or paralysis. Using an armored collar can help stabilize your neck and upper back, but add rigid back armor for better protection.

BRAIN INJURY

According to the Centers for Disease Control and Prevention, helmets are estimated to prevent 37 percent of crash deaths for motorcycle riders and 41 percent of crash deaths for motorcycle passengers. Helmets protect the head and brain by absorbing impact. Look for a helmet that meets DOT and Snell standards.



ANOTHER coffee lawsuit

In May 2014, Hedy Chen, of California, filed a suit against In-N-Out Burger because she suffered burns after dropping a coffee served to her at the drive-thru.

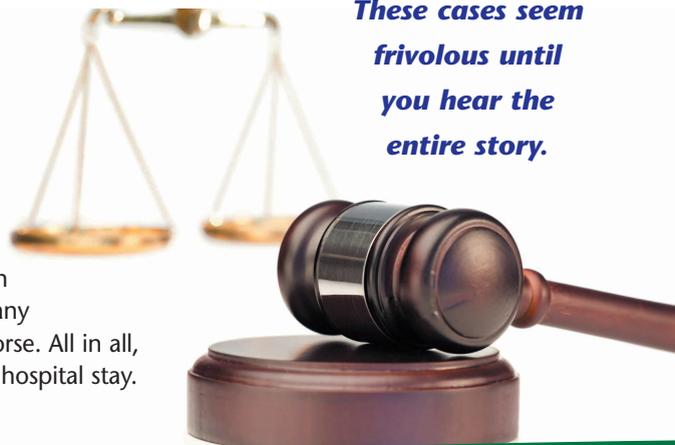
You are probably thinking, "Here we go again." Remember when a jury awarded 79-year-old Stella Liebeck \$3 million in 1992 when she spilled coffee on herself in a car? These cases seem frivolous until you hear the entire story.

For example, did you know that Liebeck wasn't driving? She was a passenger in a parked vehicle, and the coffee spilled when she removed the lid to add cream and sugar, not because she was driving with it between her legs. You also may not be aware that Liebeck suffered third-degree burns that required numerous skin grafts and an extended hospital stay, or that she

offered to settle the case for \$20,000. At the

trial, the McDonald's quality assurance manager testified that the coffee, at the temperature at which it is served, was not fit for consumption because it would burn the mouth and throat. The \$3 million awarded to Liebeck was later reduced and, ultimately, settled privately for reportedly around \$500,000.

In Chen's case there is also more to the story. She didn't just clumsily spill the coffee; she says that it was handed to her in a paper cup with no protective sleeve, and the cup was so hot that she couldn't hold on to it. In the drive-thru she asked employees to call 911. They refused, citing company policy, and gave her a bag of ice, which is known to make severe burns worse. All in all, Chen suffered burns to her abdomen and thighs that required a three-day hospital stay. She is suing the corporation for negligence and failure to come to her aid.



These cases seem frivolous until you hear the entire story.

The thrill of the chase can be a threat to joggers and walkers

There's nothing quite as satisfying as getting outside for a springtime stroll or jog. Dogs are a great exercise partner. They help motivate owners to get moving and are enthusiastic about getting outside. While a pet can add to exercise experience, someone else's pet can be a nuisance—and even a deadly threat—to walkers and joggers.

Tragically, Craig Sytsma, a 46-year-old Michigan man and father of three, was killed in July 2014 after being attacked by two dogs while jogging. The dogs had bitten before, and the owners were charged with second-degree murder.

While most dog bites aren't fatal, according to the Centers for Disease Control and Prevention, of the 4.5 million people bitten by dogs every year, 885,000 require medical attention.



If you are threatened by an aggressive dog:

- Try to remain calm, slow down, and slowly walk away with your face toward the dog.
- Do not try to stare down a dog; it will invite aggression.
- Do not smile at the dog; baring teeth can be mistaken for aggression.
- If you are being bitten, try not to pull away, as this action encourages more biting.
- Try to put clothing, a water bottle, or bag between you and the dog.

Blown away

Inflatable bounce houses have become a fun, inexpensive way to keep children entertained at community events, fundraisers, birthday parties, and even in their own backyard. Unfortunately, as their popularity soars, bounce houses have become an injury—and flight—risk.

Who could forget the chilling images from spring 2014 of a bounce house being swept 50 feet in the air by a gust of wind with three children inside? Not a month later, a bounce house was sent tumbling 300 feet across an open stretch of grass, sending one of the two children inside to the hospital. According to reports, both structures were set up and secured properly.

Between 1995 and 2010, 62,159 children went to the emergency room after sustaining an injury in or near a bounce house. During that time, these injuries increased 1,500 percent.

Here are a few tips from the Child Injury Prevention Alliance to keep your children safe while jumping:

- ★ Limit bounce houses to children 6 years of age and older.
- ★ Only allow a bounce house to be used when an adult trained on safe bouncer use is present.
- ★ The safest way to use a bounce house is to have only one child in it at a time.
- ★ If more than one child will be in the bounce house at the same time, make sure that the children are about the same age and size (weight).
- ★ Take off shoes, eyeglasses, and jewelry, and remove all sharp objects from your pockets before entering the bounce house.
- ★ No rough play, tumbling, wrestling, or flips. Stay away from the entrance or exit and the sides or walls of the bounce house while inside.
- ★ If the bounce house begins to lose air, stop play and carefully exit it.



Today, phone use is a frequent factor in auto accidents. If you were in an accident and think that the other driver may have been texting or talking, here are a few things you should do:

- Write down the accident time. This will be important when reviewing phone records.
- Tell the officer writing the accident report the time of the accident and that you witnessed the driver using a phone.
- If you are able, see if anyone at the scene witnessed the driver using his or her phone.
- Ask the driver if they were using their phone.
- Ask the police officer to get the driver's phone number and carrier name on your behalf, but note that a driver does not have to provide the information.
- If you do get the number, provide it to your insurance company and to your attorney.

Be aware that in order to obtain records, you must file a lawsuit and subpoena the phone company for the records. If you've been in an accident and believe it was caused by a distracted driver, call our office for a consultation.

BEWARE...toxic mold

Like a horror-movie monster, slimy and toxic mold has been creeping through homes, schools, and other buildings throughout the nation.

Stachybotrys, aspergillus, chaetomium, and penicillium molds, which start to grow from unchecked plumbing or roof-water leakage, can ruin structures and furnishings, aggravate respiratory conditions, and lead to serious health problems, including mental anguish. Several sufferers have actually burned their homes down to rid themselves of mold.

Insurance companies have already settled more than \$85 million in claims in Texas alone, with one jury compelling an insurer to pay a client \$32 million for mold damage to her 22-room



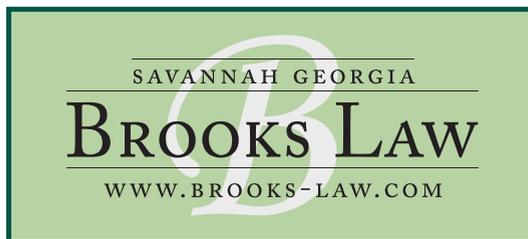
mansion. Other insurers have eliminated coverage in 30 states and are forcing victims of home mold to enter binding arbitration for settlements. Increasingly, home warranties include mold-free requirements.

If you have been the unwitting victim of mold problems at home or work, contact your physician to treat or head off any health issues, and an attorney to explore your legal options.

A mold case will require the following:

- mold testing
- photos of property loss and/or damage
- medical records
- building and inspection report (if possible)

Do everything you can to protect your rights.



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RED MEANS STOP



One of the first rules of the road people learn, often in childhood, is to stop at a stop sign. Running a stop sign is one of the most basic types of accidents, but it can result in catastrophic injury and death.

Stop signs help keep pedestrians, bikers, and other drivers and passengers safe in both business and residential areas. Distraction, or driving under the influence, can result in failure to see a sign and stop. This scenario is particularly dangerous as it could involve high rates of speed. Drivers also make judgment errors that can result in accidents—for example, not realizing that

opposing traffic doesn't have a stop sign. Stop-sign accidents often result in side-impact and rear-end collisions, causing vehicle damage, injury, and death. The risk of catastrophic injury and death greatly increases when a pedestrian or a cyclist is struck by a driver who fails to stop or yield correctly at a stop sign.

If you or a loved one has been injured in a traffic accident, contact our office for a confidential consultation.